



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

via UPS

JAN 27 2016

Joe DiNatale, EHS/Quality Manager
Pyromet
5 Commerce Drive
Aston, PA 19014

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Pyromet
EPA ID No. PAD049617822
Reference Number: C16-006

Dear Mr. DiNatale:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of the Pyromet facility ("Pyromet" or "the facility") located in Aston, PA on August 5, 2015 (report narrative and photographic log enclosed). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents

maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), or 25 Pa. Code Chapters 260a-266a, 266b, and 268a (effective May 1, 1999) shall have the meanings set forth therein.

Please provide the information requested below:

Information Request

1. At the time of the inspection two large, open boxes were found near the furnaces, and described as containing slag (see Photographs 5 & 6 in enclosed inspection report). Regarding each of these boxes, please provide the following information:
 - a. A description of its source
 - b. Its date of generation
 - c. State whether a "waste determination" and "Land Disposal Restriction (LDR) determination" has been made for the container contents
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the contents have been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If they have been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge,

describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.

- g. Please state if the container has been shipped off-site and the date of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - h. If the container was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
- 2. Near the "tilt furnace" an open 55gal drum was found, labeled as "sterling slags" (Photo 7). Regarding this container, please provide the following:
 - a. A description of its source
 - b. Its date(s) of generation
 - c. State whether a "waste determination" and "LDR determination" has been made for the material
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

3. In the shipping container designated by the facility as its Hazardous Waste accumulation area (Photo 14), several containers were found, including:
- i) one 250gal plastic tote (Photos 16 & 17),
 - ii) one white plastic 55gal drum (Photo 18),
 - iii) one dented, dark blue metal 55gal drum (Photo 19 at left),
 - iv) one blue plastic 55gal drum (Photo 19),
 - v) four glass jars inside a plastic milk crate (Photo 19),
 - vi) one black metal 55gal drum (Photo 19 at rear, behind blue drum), and
 - vii) one open 5gal bucket with a sheet of paper with the words "Cyanide" and "Contaminated Absorbent" (Photo 20)

For **each of the above containers numbered i-vii, separately**, please provide the following information:

- a. A description of its source
- b. Its date(s) of generation or, if not generated onsite, the date it arrived at the facility
- c. State whether a "waste determination" and "LDR determination" has been made for the material
- d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
- e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
- f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
- g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
- h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

4. In a separate nearby shipping container, two plastic 55gal drums were found, containing spent fluorescent light bulbs (Photo 21). Regarding **each of these two drums, separately**, please provide the following information:
- Initial date of accumulation
 - Please state if the drum has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - If the drum was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
5. Also inside this shipping container two 55gal plastic drums and one smaller drum were found (Photo 22). For **each of these containers, separately**, please provide the following information:
- A description of its source
 - Its date(s) of generation
 - State whether a "waste determination" and "LDR determination" has been made for the material
 - If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - If the material was shipped off-site, provide copies of all bills of lading, manifests

(including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.

6. It was noted during the inspection that the facility generates baghouse dust, some of which may be placed back into the onsite furnaces, while some may be shipped offsite. Regarding the baghouse dust which is shipped offsite, please provide the following information:
 - a. A description of its source
 - b. How often, and in what quantities is it generated
 - c. State whether a "waste determination" and "LDR determination" has been made for the material
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste from the time period of January, 2011 to the present.
7. Please submit copies of all hazardous waste manifests retained by the Facility for offsite shipments of hazardous waste that occurred during the time period of January, 2011 to the present. Regarding these manifests, please note which shipments and specific containers included Hazardous Waste **generated offsite**, and state whether or not that material was ultimately recycled or treated/disposed at its destination facility. Please also include copies of all Land Disposal Restriction (LDR) forms related to each of the waste streams and destination facilities included on the manifests.

8. Regarding the facility's RCRA training program, please provide the following:
- a. At the time of the inspection, was the facility maintaining a list of employees with hazardous waste management responsibilities, along with their job titles and descriptions, and the type of training to be provided, as described in 40 C.F.R. § 265.16(d)(1)-(3)? If so, please submit such documentation. If the facility has developed such documentation since the date of the inspection, please state the date the document(s) were generated and provide a copy.
 - b. For each employee required to undergo RCRA training, has the facility provided initial and annual refresher RCRA training for the years 2011-2015? If so, please provide documentation of such training for each year and each employee. In addition to those employees actually handling hazardous waste, the facility should include those employees signing hazardous waste manifests on behalf of the facility, as well as those listed as Emergency Coordinators in the facility's Contingency Plan.
9. At the time of the inspection no copies could be found of any Biennial Reports, as described in 40 C.F.R. § 262.41. Has the facility generated any such reports for the years 2011 through 2015? If so, please submit copies of each report and state the date the report was originally submitted to PADEP.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings. **Your response must include the signed and dated certification found on the final page of this letter.**

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in

accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Martin Matlin (3LC70)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at (215) 814-5789.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: Martin Matlin (3LC70) w/o enc.
Pauline Belgiovane (3LC70)

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

NAME (print or type)

SIGNATURE

DATE

